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10 UNITED STATES DISTRICT COURT OF CALIFORNIA
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 (SAN FRANCISCO DIVISION)

13 VINCENT KAMYAR VAGHAR,

14 Plaintiff,

15 v.

16 DAVID J. KILLIAN; ANTHONY M.
17 MAROTTA; and ROSA COURT, LLC, a New
Jersey limited liability company,

18 Defendants.
19

Case No. C 07 4083 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER TO STAY INITIAL
DISCLOSURES AND CASE
MANAGEMENT CONFERENCE**

1 WHEREAS this Court issued a Case Management Conference Order (“Order”) on
2 August 29, 2007;

3 WHEREAS the Order contemplated that an initial Case Management Conference
4 be held before the Honorable Maxine M. Chesney at 10:30 a.m. on Friday, November 16, 2007;

5 WHEREAS the Order directed the parties in this action to confer in advance of the
6 Case Management Conference and to file a Joint Case Management Statement not less than seven
7 (7) days before the conference;

8 WHEREAS Federal Rule of Civil Procedure 26(a) requires parties to exchange
9 Initial Disclosures in advance of the initial Case Management Conference;

10 WHEREAS the parties have been actively conferring with one another over the
11 past several weeks;

12 WHEREAS Defendants filed a Motion to Dismiss the Second Amended Complaint
13 for, among other things, Lack of Personal Jurisdiction or, in the Alternative, to Transfer this
14 Action to the Eastern District of Pennsylvania;

15 WHEREAS a hearing on Defendants’ Motion to Dismiss is currently set for 9:00
16 a.m. on Friday, November 16;

17 WHEREAS if this Court dismisses this action or transfers this action pursuant to
18 Defendants’ Motion the exchange of Initial Disclosures, the filing of Joint Case Management
19 Statement, and the Initial Case Management Conference will be moot and a waste of party and
20 judicial resources; and

21 WHEREAS all parties have come to an agreement that the best interests of the
22 parties and this Court would be served by staying the case management schedule contemplated in
23 the Order until after this Court has ruled on Defendants’ Motion to Dismiss;

24 IT IS HEREBY STIPULATED THAT:

25 The Initial Case Management Conference currently set for Friday November 16,
26 2007 at 10:30 a.m. shall be taken off calendar until the Court has ruled on Defendants’ Motion to
27 Dismiss;

28 If this Court denies Defendants’ Motion and this action remains before this Court

1 the Initial Case Management Conference shall be set no later than 30 days from the date of the
2 Court's ruling on Defendants' Motion, or on any date this Court deems proper;

3 The parties shall not be required to file a Joint Case Management Conference
4 Statement until the Court has ruled on Defendants' Motion;


5 If this Court denies Defendants' Motion and this action remains before this Court
6 the Parties shall file a Joint Case Management Conference Statement no later than seven (7) days
7 prior to the rescheduled Initial Case Management Conference;

8 The parties shall not be required to exchange Initial Disclosures until the Court has
9 ruled on Defendants' Motion;

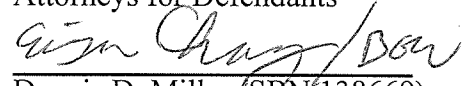
10 If this Court denies Defendants' Motion and this action remains before this Court
11 the Parties shall exchange Initial Disclosures by the time contemplated by Federal Rule of Civil
12 Procedure 26, in advance of the rescheduled Initial Case Management Conference.

13 IT IS SO STIPULATED.

14 Attorneys for Plaintiff

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~~PROPOSED~~ ORDER

The Initial Case Management Conference currently set for Friday November 16, 2007 at 10:30 a.m. shall be taken off calendar until the Court has ruled on Defendants' Motion to Dismiss;

If this Court denies Defendants' Motion and this action remains before this Court the Initial Case Management Conference shall be set no later than 30 days from the date of the Court's ruling on Defendants' Motion, or on any date this Court deems proper;

The parties shall not be required to file a Joint Case Management Conference Statement until this Court has ruled on Defendants' Motion;

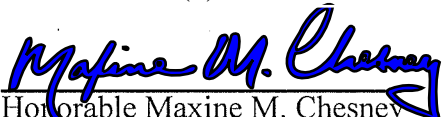
If this Court denies Defendants' Motion and this action remains before this Court the Parties shall file a Joint Case Management Conference Statement no later than seven (7) days prior to the rescheduled Initial Case Management Conference;

The parties shall not be required to exchange Initial Disclosures until the Court has ruled on Defendants' Motion;

If this Court denies Defendants' Motion and this action remains before this Court the Parties shall exchange Initial Disclosures by the time contemplated by Federal Rule of Civil Procedure 26, in advance of the rescheduled Initial Case Management Conference.

IT IS FURTHER ORDERED that the November 16, 2007 hearing on defendants' motion to dismiss is hereby VACATED, pursuant to Civil Local Rule 7-1(b).

Dated: November 14, 2007


Honorable Maxine M. Chesney